

Remarks

Reconsideration of this Application is respectfully requested. Claims 1-20 are pending in the application, with claims 1, 5, and 11 being the independent claims. No amendments have been made to the claims. Paragraphs [0008], [0019], [0030], and [0041] are sought to be amended. No new matter has been entered based on these amendments. Based on the above amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Information Disclosure Statement

The Applicants respectfully request that the Examiner consider, and acknowledge consideration of, the Information Disclosure Statement filed October 31, 2007.

Rejection under 35 U.S.C. § 103

On page 2 of the Office Action, the Examiner rejects claims 1-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,623,600 to Ji *et al* (herein "Ji") in view of U.S. Patent No. 5,440,723 to Arnold *et al* (herein "Arnold"). Applicants traverse this rejection and respectfully request this rejection be removed and these claims be passed to allowance.

Claims 1, 5, and 11 recite features that distinguish over the applied reference. For example, claim 1 recites "wherein said screening comprises creating a model of the second computer, installing a program contained in the computer data on the model, and screening the model for the at least one virus," claim 5 recites "a model of the second computer, the model configured to have a program contained in said computer data

installed thereon, and wherein said model is further configured to be screened for the at least one virus,” and claim 11 recites “wherein said screening of data comprises creating a model of the first computer, installing on the model a program contained in the data, and screening the model for the at least one virus .”

The Examiner fails to establish a *prima facie* case of obviousness for claims 1, 5, and 11 because the invention of the Ji reference is not modifiable nor combinable with the invention of the Arnold reference. It is well-settled law that a proposed modification or combination cannot change a principle of operation of a cited reference. According to the M.P.E.P., “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” M.P.E.P. § 2143.01(VI) (*citing In re Ratti*, 270 F.2d 810 (CCPA 1959)). *See Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 230 USPQ 416 (Fed. Cir. 1986) (holding a reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered); 72 Fed. Reg. 57526 (V)(1) (suggesting obviousness cannot be found when “(1) one of ordinary skill in the art could not have combined the claimed elements by known methods (e.g., due to technological difficulties).”)

The invention of the Ji reference operates by performing *all virus screening below the application level*. Ji explicitly states “[t]he present invention is particularly advantageous because *all virus screening is performed below the application level*.” *See* Ji, col. 6, lns. 11-13. (Emphasis added).

In direct conflict with Ji, Arnold teaches data segregation performed *at least in part at the application level*. See, Arnold, col. 7 ln. 67 through col. 8, ln. 60. Thus, even if Arnold may teach of “installing a program contained in the computer data on the model, and screening the model for the at least one virus,” as recited in claims 1, 5, 11, as alleged by the Examiner at page 3 of the final Office Action, which Applicants do not acquiesce to, Arnold installs the program at the application level. Thus, this teaching in Arnold is in direct conflict with the principle of operation of Ji since Arnold performs screening for a virus at least in part *at the application level*. Thus, modifying or combining Ji with Arnold would change principles of operation of both Ji and Arnold. Therefore, the invention of the Ji reference is not modifiable nor combinable with the invention of the Arnold reference, and because of this, the Examiner fails to establish a *prima facie* case of obviousness.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 5, and 11, and find these claims allowable over the cited references.

Furthermore, dependent claims 2-4, 6-10, and 12-20, which depend upon, respectively, independent claims 1, 5, and 11, should also be found allowable for at least being dependent from a the independent claims, in addition to their own respective features. (See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988), and M.P.E.P. § 2143.03.) Accordingly, Applicants respectfully request this rejection be removed, and that these claims be passed to allowance.

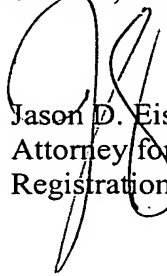
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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